



October 24, 2019

James McCament
Deputy Under Secretary, Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security
20 Massachusetts Avenue NW
Washington, D.C. 20529

RE: Catholic Partners Request for Immigration Protections for People Seeking Safety in the Aftermath of Hurricane Dorian

Dear Deputy Under Secretary McCament:

We, the undersigned, write on behalf of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM), Catholic Relief Services (CRS), Catholic Charities USA (CCUSA), and the Catholic Legal Immigration Network, Inc. (CLINIC), to urge you to extend life-saving protections for Bahamians who seek safety in the United States in the aftermath of Hurricane Dorian. We also respectfully request in-person engagement with DHS to discuss these urgent issues.

The Catholic Church's deep concern for people seeking safety in the aftermath of Hurricane Dorian is grounded in Catholic social teaching and our collective experience serving people in need and helping communities rebuild after natural disasters. According to Catholic teachings, all people have the right to seek safety and to care for their families. While the Church recognizes the right of nations to regulate their borders, this right must be exercised with justice, mercy and balanced with immigrants' rights to human dignity and life. The Bible commands us: "You shall treat the [stranger] who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once [strangers] in the land of Egypt."¹

Below are recommendations that seek to provide protections for Bahamian nationals already in the United States and to facilitate the entry of evacuees from the Bahamas who may be nationals of the Bahamas or neighboring countries.

¹ Leviticus 19:33-34.

I. Current Country Conditions Warrant the Use of Humane Immigration Measures

Category 5 Hurricane Dorian struck and hovered over the Bahamas' northern islands from September 1 to 3, 2019, with winds between 185 and 220 mph, causing massive devastation.² The hurricane's 12-15 inches of rainfall, and storm surges at 18-23 feet above sea level, washed away or collapsed buildings, telecommunications, infrastructure and homes.³ The northwestern Bahamas islands of Abaco and Grand Bahama, as well as the surrounding cays, were hardest hit.⁴ Surveying the damage after the hurricane passed, the administrator for the U.S. Agency for International Development remarked that it looked, "*almost as though a nuclear bomb had dropped.*"⁵

As many as 76,268 people are severely affected,⁶ and the official death toll as of October 2019 stands at 58.⁷ At least 600 remain missing as of late September 2019.⁸ As CRS and Caritas partners respond to basic needs, the full extent of the humanitarian disaster is now unfolding, with access to food, water, shelter from the weather, health care, and other basic services seriously limited for tens of thousands of people.⁹ Early estimates show that at least 60 percent of homes were destroyed on Abaco Island¹⁰ and the Bahamas incurred at least \$7 billion in damage.¹¹

A. TPS designation based on environmental disaster and extraordinary and temporary conditions

One key measure we urge the administration to take immediately is to designate Temporary Protected Status (TPS) for the Bahamas. Congress created TPS for the precise situation our Bahamian brothers and sisters are now facing; that is, to provide protection to people whose lives or freedom would be at risk should they be forced to return to their home country.¹² We estimate that approximately 14,000 Bahamian nationals in the United States could be protected through a TPS designation.¹³

² CRS Staff, *Emergency Response to Hurricane Dorian*, Catholic Relief Services (Sept. 12, 2019), www.crs.org/stories/emergency-response-hurricane-dorian.

³ *Id.*

⁴ *Id.*

⁵ Aristos Georgiou, *Bahamas Storm Damage Is 'as Though A Nuclear Bomb Was Dropped,' Says Head Of U.S. Aid*, Newsweek (Sept. 9, 2019), www.newsweek.com/bahamas-storm-damage-nuclear-bomb-1458252.

⁶ CRS Staff, *Emergency Response to Hurricane Dorian*, Catholic Relief Services (Sept. 12, 2019), www.crs.org/stories/emergency-response-hurricane-dorian.

⁷ Juliette Kayyem, *In the Bahamas you can smell more bodies than you can find*, The Washington Post (Oct. 2, 2019), www.washingtonpost.com/opinions/in-the-bahamas-you-can-smell-more-bodies-than-you-can-find/2019/10/02/f2d3b7c8-e533-11e9-b403-f73889982d2_story.html.

⁸ Nicole Chavez and Chandler Thornton, *600 people are still missing in the Bahamas weeks after Hurricane Dorian*, CNN (Sept. 27, 2019), www.cnn.com/2019/09/27/americas/bahamas-hurricane-dorian-missing/index.html.

⁹ *Dorian's death toll in Bahamas rises to 50: official*, Reuters (Sept. 10, 2019), www.reuters.com/article/us-storm-dorian/dorians-death-toll-in-bahamas-rises-to-50-official-idUSKCN1VV2A1.

¹⁰ Brakkton Booker, *In Bahamas, Officials Assess 'Generational Devastation' From Hurricane Dorian*, NPR (Sept. 5, 2019), www.npr.org/2019/09/05/757858192/in-bahamas-officials-assess-generational-devastation-from-hurricane-dorian.

¹¹ Kirk Semple, *On Dorian-Battered Island, What's Left? Virtually Nothing*, The New York Times (Sept. 6, 2019), www.nytimes.com/2019/09/06/world/americas/hurricane-dorian-bahamas.html.

¹² CRS Staff, *Emergency Response to Hurricane Dorian*, Catholic Relief Services (Sept. 12, 2019), www.crs.org/stories/emergency-response-hurricane-dorian.

¹³ Email Interview with Tom K. Wong, Associate Professor of Political Science, University of California, San Diego (Sept. 16, 2019) (on file with CLINIC). Professor Wong, in collaboration with CLINIC, utilized 2017 Census data to provide these estimates.

Given the country conditions described above, an 18-month TPS designation for the Bahamas is warranted under the law on two grounds: (B) environmental disaster and (C) extraordinary and temporary conditions.¹⁴ In addition to an immediate TPS designation, we urge the Secretary to establish a registration period for at least 180 days to provide more time for people to apply for TPS.¹⁵ Furthermore, we call on DHS to engage in robust outreach and public engagement so that people in need are informed of this opportunity for protection. Public engagement should include community relations officers conducting on-the-ground outreach in areas with high Bahamian populations, a social media campaign, Frequently Asked Questions (FAQs) in plain language, and frequent website postings and updates.

Finally, the Secretary of Homeland Security has the discretion to set the relevant physical and continuous presence dates when designating or re-designating TPS.¹⁶ We urge DHS to utilize TPS to protect as many lives as possible, reevaluating re-designation prior to the end of the initial 18-month designation to enable late arriving nationals or those who were not able to apply during the initial registration period to obtain protection.

B. Other humanitarian protections for hurricane evacuees

In addition to TPS, DHS has a variety of tools it can utilize to provide relief to foreign nationals affected by Hurricane Dorian.¹⁷ We ask that DHS consider using prosecutorial discretion for non-citizens that fled the hurricane, including non-Bahamian nationals. Particularly vulnerable are Haitian nationals that reside in the Bahamas who, even if born in the Bahamas, are not granted citizenship and remain at risk of detention and deportation.¹⁸

Additionally, we urge DHS to consider the use of humanitarian parole, a statutorily-authorized mechanism where DHS can, on a case-by-case basis, admit foreign nationals into the United States based on humanitarian grounds.¹⁹ We also urge DHS to adopt the direction provided by Acting CBP commissioner Mark Morgan, who said that CBP will expedite the process and waive fees for those fleeing the Bahamas and seeking humanitarian parole with CBP at a port of entry.²⁰ Finally, we urge DHS to refrain from detaining affected individuals or family members of affected individuals in immigration detention facilities.

II. Conclusion

We thank you for your consideration of our recommendations for the survivors of Hurricane Dorian. Pope Francis teaches us that, “Every stranger who knocks on our door is an opportunity

¹⁴ INA §244 (b)(1)(B); INA §244 (b)(1)(C).

¹⁵ See for example the Federal Register designation for Haiti. Designation of Haiti for Temporary Protected Status, 75 Fed. Reg. 3476 (Jan. 21, 2010), www.federalregister.gov/documents/2010/01/21/2010-1169/designation-of-haiti-for-temporary-protected-status.

¹⁶ See INA § 244(b)(1); see also INA § 244(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of the most recent designation of the state”) (emphasis added).

¹⁷ Jill Wilson, *Immigration Relief Options for Bahamians After Hurricane Dorian*, Congressional Research Service (Sept. 16, 2019), <https://crsreports.congress.gov/product/pdf/IN/IN11166>.

¹⁸ Frances Robles and Rachel Knowles, *Bahamas says undocumented Haitians are safe, for now*, The New York Times (Sept. 13, 2019), www.nytimes.com/2019/09/13/world/americas/bahamas-dorian-haitians.html.

¹⁹ 8 C.F.R. § 212.5 (West 2019).

²⁰ Annalisa Merelli, *The Bahamas ferry confusion is the perfect encapsulation of America under Trump*, Quartz (Sept. 10, 2019), <https://qz.com/1704290/the-us-is-not-sending-back-people-evacuated-from-the-bahamas/>.

to meet Jesus Christ, who identifies himself with the foreigner.”²¹ By “responding to the supreme commandment of charity and love of neighbor, may we all learn to love the other, the stranger, as ourselves.”²² We hope you will be guided by these words as you deliberate.

As mentioned above, we respectfully request an in-person engagement with DHS Senior Policy officials to provide a briefing on the ongoing crisis and discuss the above recommendations. Please contact Jill Marie Bussey, Director of Advocacy for CLINIC, at (301) 565-4844 or jbussey@cliniclegal.org with questions and to set up any such engagement.

Sincerely,



Most Rev. Joe S. Vásquez
Chairman
USCCB Committee on Migration



Sister Donna Markham OP, PhD
President and CEO
Catholic Charities USA



Sean Callahan
President and CEO
Catholic Relief Services



Anna Gallagher
Executive Director
Catholic Legal Immigration Network Inc.

²¹ Hannah Brockhaus, *Don't let fear keep you from welcoming the stranger, Pope says*, Catholic News Agency (Jan. 14, 2018), www.catholicnewsagency.com/news/dont-let-fear-keep-you-from-welcoming-the-stranger-pope-says-29549.

²² *Id.*